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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,837	12/18/2001	Gerard Guillet	VANM242.001AUS	4235

20995 7590 01/07/2004

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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 01/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,837	Applicant(s) GUILLET ET AL.	
	Examiner Eric S. McCall	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

TEST BED FOR A THRUST REVERSER

FINAL OFFICE ACTION

In response to the Applicant's amendment dated Oct. 16, 2003.

PRIORITY

Acknowledgment is made of the Applicant's claim for foreign priority and the proper certified copy thereof has been received.

ABSTRACT

In response to the Applicant's amendments, the objection to the abstract as set forth in the previous office action (4/22/03) has been overcome.

CLAIMS

35 U.S.C. § 112

(First Paragraph)

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-9 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically, the Applicant has added to independent claim 1, in an attempt to overcome the prior art, the limitation that the “collecting and recovering component is external to the engine”.

Likewise, the Applicant has added to independent claim 13, in an attempt to overcome the prior art, the limitation that “said device is external to the engine”.

However, nothing in the originally filed disclosure can be found which explicitly states, and thus supports, that the collecting and recovering component (ie. “device”) is external to the

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engine for the Applicant's originally filed disclosure is very brief. Furthermore, the Applicant's drawings do not clearly set forth that which is deemed as the engine, and thus that which is external to the engine, which further suggests no support for the added subject matter. Thus, said additions are deemed as new matter not supported by the originally filed disclosure.

Also, nothing in the originally filed disclosure can be found which explicitly states and thus supports the added subject matter to claims 8 and 14 that the test bed is "inside a building". Thus, said addition is deemed as new matter not supported by the originally filed disclosure.

And, nothing in the originally filed disclosure can be found which explicitly states and thus supports the added subject matter to claims 9 and 15 that the test bed is "outside a building". Thus, said addition is deemed as new matter not supported by the originally filed disclosure.

(Second Paragraph)

In response to the Applicant's amendments, the rejection of claims 1-9 and 13-15 under 35 U.S.C. 112, second paragraph, as set forth in said previous office action has been overcome.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Zdybel (6,105,364).

With regards to claim 1, Zdybel teaches a test bed for testing a thrust reverser of an engine comprising:

an engine (16), wherein said engine draws in air (left side of fig. 1) and expels gases (right side of fig. 1) in a direction in a primary flow (left to right);

a thrust reverser (32), wherein said thrust reverser circulates the gases derived from combustion between the air and at least one fuel in a secondary flow, directed in a direction (right to left) substantially opposite that of said primary flow; and

a collecting and recovering component (12, 26, 28, & 42), said component redirecting the gases exiting said thrust reverser in the direction of said primary flow (left to right),

wherein said collecting and recovering component comprises at least one deflector (42) and two half-shells facing each other and open at least on one external face (top and bottom of fig. 1), and

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wherein the collecting and recovering component is external to the engine (the engine is interpreted as that depicted by element number 16 wherein the collecting and recovering component, 12, 26, 28, & 42, is external to said engine).

With regard to claims 2 and 3, Zdybel clearly teaches the claimed subject matter thereof.

With regards to claim 4, the walls (26, 12, & 28) of the half-shell of Zdybel are substantially parallel as claimed.

With regard to claims 5 & 7, the collecting and recovering unit of Zdybel is attached to the thrust reverser as claimed.

With regard to claims 6 & 7, the collecting and recovering unit of Zdybel is attached to the engine as claimed.

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zdybel (6,105,364).

With regard to claims 8 and 14, Zdybel is interpreted as suggesting to one having ordinary skill in the art that the test bed can be inside a building. The motivation being that testing is well known to be done inside a building and Zdybel gives no suggestion that the testing can not be done inside a building.

With regard to claims 9 and 15, Zdybel is interpreted as suggesting to one having ordinary skill in the art that the test bed can be outside a building. The motivation being that testing is well known to be done outside a building and Zdybel gives no suggestion that the testing can not be done outside a building.

With regards to claim 13, Zdybel teaches a method of testing a thrust reverser of an engine on a test bed, comprising:

obtaining a device comprising at least one deflector (42) and two half-shells (area defined by 12, 26, 42, & 28), facing each other and open at least on one external face (fig. 1), wherein said half-shells are divided into compartments separated by walls (12, 26, & 28) that are substantially parallel; and

attaching said device to a thrust reverser (32) such that a flow of gases entering and exiting said device are substantially opposite (fig. 1) and the device (12, 26, 42, & 28) is external to the engine (16).

Zdybel fails to teach said device being attached to the thrust reverser “in a test bed”. However, it would have been obvious to one having ordinary skill in the art armed with said teaching to interpret the teaching of Zdybel as being in a test bed. The motivation being that the Applicant has claimed that a test bed is that which the flow of gases entering and exiting the device are substantially opposite of each other, and Zdybel clearly teaches that the gases entering the device (area defined by walls 12 & 26) are substantially opposite of the flow of gases exiting the device (area defined by walls 28).

Response to Arguments

The Applicant has argued that Zdybel fails to teach or suggest a collecting and recovering component as claimed which is external to the engine. The Examiner disagrees. As pointed out above, the collecting and recovering component of Zdybel is external to the engine because the engine is interpreted as that depicted by element number 16 and the collecting and recovering component is interpreted as that depicted by element numbers 12, 26, 28, & 42 which is external to said engine.

Furthermore, no support or suggestion thereof can be found in the Applicant's own originally filed disclosure supporting such a collecting and recovering component which is external to the engine.

Next, the Applicant argues that Zdybel fails to suggest testing a turbojet engine because Zdybel does not teach a collecting and recovering component as claimed which is external to the engine. However, the Examiner argues for the reasons presented above the collecting and recovering component of Zdybel is external to the engine.

Finally, the Applicant has argued that Zdybel does not suggest a test bed or a method of testing. However, the Examiner argues that the Applicant has only set forth a test bed or method of testing in the preamble of the respective independent claims and that said limitations have not been given patentable weight because nothing in the body of the respective independent claims requires a test bed or a method of testing as argued.

CONCLUSION


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
Art Unit 2855
Jan. 05, 2004